

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

Robert Lamar McInnis III,	)	
	)	
Plaintiff,	)	<b>ORDER ADOPTING</b>
	)	<b>REPORT AND RECOMMENDATION</b>
vs.	)	
	)	
CO Wade Strand,	)	
	)	Case No. 1:08-cv-054
	)	
Defendants.	)	

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The plaintiff, Robert McInnis, filed this pro se civil rights action under 42 U.S.C. § 1983 on May 20, 2008. See Docket No. 3. Magistrate Judge Charles S. Miller, Jr. conducted an initial review of McInnis's complaint as mandated by 28 U.S.C. § 1915A. On May 27, 2008, Judge Miller submitted a Report and Recommendation. See Docket No. 7. Judge Miller recommended that McInnis be permitted to file an amended complaint with the Court by June 25, 2008, subject to additional screening pursuant to 28 U.S.C. § 1915A, and absent an amended complaint that all claims be dismissed without prejudice. McInnis was then given until June 25, 2008, to file either an amended complaint or an objection to the Report and Recommendation. No amended complaint or objection was filed.

The Court has carefully reviewed the Report and Recommendation, relevant case law, and the entire record and finds the Report and Recommendation to be persuasive. The Court **ADOPTS** the Report and Recommendation (Docket No. 7) in its entirety. As a result, the Court **ORDERS** that McInnis's application to proceed *in forma pauperis* (Docket No. 3) is **DENIED**, and McInnis's claims are **DISMISSED** without prejudice.

**IT IS SO ORDERED.**

Dated this 26th day of June, 2008.

/s/ Daniel L. Hovland  
 Daniel L. Hovland, Chief Judge  
 United States District Court